

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES OF THE 1199/SEIU GREATER:
NEW YORK BENEFIT FUND, TRUSTEES OF:
THE 1199/SEIU GREATER NEW YORK:
PENSION FUND, TRUSTEES OF THE:
1199/SEIU GREATER NEW YORK:
EDUCATION FUND, TRUSTEES OF THE:
1199/SEIU GREATER NEW YORK CHILD:
CARE FUND, TRUSTEES OF THE 1199/SEIU:
GREATER NEW YORK JOB SECURITY:
FUND, and THE TRUSTEES OF THE:
1199/SEIU GREATER NEW YORK WORKER:
PARTICIPATION FUND, :

Civil Action No.
07 CV 9744 (DLC)

Plaintiffs,

v.

KINGSBRIDGE HEIGHTS REHABILITATION:
CARE CENTER, :

Defendant.

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AFFIDAVIT OF STANLEY MOSKOWITZ

Stanley Moskowitz, being duly sworn, states:

1. My name is Stanley Moskowitz. I am a Payroll Auditor employed by the 1199 SEIU Benefit and Pension Funds.
2. In that position, my duties include conducting payroll audits of employer with obligations to make contributions to 1199 SEIU fringe benefit funds, and arranging for such audits.
3. The most recent audit conducted of Kingsbridge Heights Rehabilitation and Care Center covered the period up through January 1, 2004. Since it had not been audited in some time, in early January, 2008, I drafted a letter to Kingsbridge for

signature by my supervisor, Anthony Petrella, setting up an audit for February 7, 2008 at 10:00 a.m. The audit was to cover the period January 1, 2004 to the date of the audit. Mr. Petrella sent that letter on January 3, 2008 and cc'd me. A copy of that letter is attached as Exhibit A.

4. Within a couple of weeks of sending this letter, I received a call from Helen Sieger, the Administrator of Kingsbridge. She told me that because the Union was going on strike in February, and because of her need to prepare for that strike, she would not be able to accommodate me and would not permit me to conduct an audit on February 7, 2008. I told her that I had nothing to do with the Union, that the payroll audit had nothing to do with the strike, asked her to reconsider her position, and asked her to get back to me. She never did.

5. As a result of this, the Fund has not conducted an audit of Kingsbridge for the period subsequent to January 1, 2004.

6. It is important to conduct audits to ensure that employers are making the proper contributions to the various fringe benefit funds.



STANLEY MOSKOWITZ

Sworn to before me this
15th day of August, 2008



Notary Public

TIMOTHY D. WELLS
Notary Public, State of New York
No. 01WE6083883
Qualified in New York County
Commission Expires November 25, 2010